

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Case No. <u>CIV-18-71-SLP</u>
	)	
\$5,726.00 IN UNITED STATES CURRENCY,	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

The United States of America brings this complaint and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions:

**NATURE OF THE ACTION**

1. This is an *in rem* forfeiture action brought to forfeit and condemn to the use and benefit of the United States of America the defendant, \$5,726.00 in U.S. currency, for violation of 18 U.S.C. §§ 371, 981(a)(1)(A) and (C), 1343, 1956, and 1957.

**THE DEFENDANTS *IN REM***

2. The defendant property is \$5,726.00 in U.S. currency, seized from Ken Ezeah, by the Federal Bureau of Investigation (FBI) pursuant to the execution of a federal Search and Seizure Warrant issued on January 27, 2016. The defendant property is

currently in the custody of the United States Marshal Service in the Western District of Oklahoma.

3. On October 25, 2017, Curtissa Green filed a claim of ownership with the FBI to contest the administrative forfeiture of the defendant *in rem*.

### **JURISDICTION AND VENUE**

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant, *in rem*, pursuant to 18 U.S.C. § 981(a)(1)(A) and (C). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355 and Supplemental Rule G(3)(c).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district and/or pursuant to 28 U.S.C. § 1395, because the property is located in this district.

### **BASIS FOR FORFEITURE**

7. The defendant is subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and (C). The United States alleges that the defendant property was involved in a transaction or attempted transaction; and constitute or is derived from, or

traceable to any proceeds obtained directly or indirectly from a violation of a specified unlawful activity pursuant to 18 U.S.C. §§ 371, 1343, 1956, and 1957.

### **FACTS**

8. The facts and circumstances supporting the seizure and forfeiture of the defendant, *in rem*, are contained in the affidavit of Timothy J. Schmitz, Special Agent with the FBI, attached hereto as Attachment 2, and fully incorporated herein by reference.

9. This complaint does not contain all of the information known in regards to the investigation; however, it contains enough information to establish probable cause to support a complaint for forfeiture against the defendant property.

### **CLAIM FOR RELIEF**

10. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 7 above.

11. As a result of the foregoing, the defendant property is liable to condemnation and to forfeiture to the United States for its use, in accordance with 18 U.S.C. §§ 371, 981(a)(1)(A) and (C), 1343, 1956, and 1957.

WHEREFORE, plaintiff requests that the Court authorize the continued custody of the defendant property; that notice of this action be given to all persons who reasonably appear to be potential claimants of interests in the property; that the defendant property be forfeited and condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action and for such other and further relief as this Court deems proper and just.

Respectfully submitted,

ROBERT J. TROESTER  
Acting United States Attorney

/s/ *Wilson D. McGarry*

WILSON D. McGARRY  
Assistant U.S. Attorney  
Oklahoma Bar No. 31146  
210 Park Ave., Suite 400  
Oklahoma City, OK 73102  
Telephone: (405) 553-8700  
Telecopier: (405) 553-8885  
E-mail: [wilson.mcgarry@usdoj.gov](mailto:wilson.mcgarry@usdoj.gov)

**VERIFICATION**

I, Timothy J. Schmitz, hereby verify and declare under penalty of perjury that I am a Special Agent with the Federal Bureau of Investigation that I have read the foregoing Verified Complaint of Forfeiture *In Rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true. The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent with the Federal Bureau of Investigation.

I declare under the penalties of perjury of the laws of the United States that the foregoing is true and correct.

Executed on this 23rd day of January, 2018.



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Timothy J. Schmitz, Special Agent  
Federal Bureau of Investigation

ATTACHMENT 1

**AFFIDAVIT OF TIMOTHY J. SCHMITZ, SPECIAL AGENT**

**FEDERAL BUREAU OF INVESTIGATION**

I, Timothy J. Schmitz, a Special Agent with the Federal Bureau of Investigation ("FBI"), Oklahoma City, Oklahoma, being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I have been employed as a Special Agent of the FBI for approximately 22 years, and am currently assigned to the Oklahoma City Division's Complex Financial Crimes Squad. During my employment with the FBI, I have been assigned to investigate violations of federal law that involve the use of a computer or the Internet to facilitate the violation. My experience as an FBI agent has included the investigation of cases involving the use of computers and the Internet to commit violations relating to Internet gambling, sexual exploitation of children, and white collar crimes, including mail fraud, wire fraud, money laundering and other violations of federal law. I have gained experience in conducting such investigations through training in seminars, classes, and everyday work related to conducting these types of investigations. I have received training and gained experience in interviewing, arrest procedures, search warrant applications, the execution of

searches and seizures, computer crimes, crimes against children, forensic seizure and analysis of computers and other digital storage devices, in addition to other criminal laws and procedures. I have personally participated in investigations involving the violations of federal law regarding Internet gambling and other federal violations such as money laundering, and criminal enterprises that result from such unlawful activity. I have personally participated in the execution of search warrants and seizure warrants involving the search for various types of evidence and property.

2. As a federal agent, I am authorized to investigate violations of the laws of the United States and to seek forfeiture of property under the authority of the United States.

3. This affidavit is made in support of a complaint for civil forfeiture for \$5,726.00.

4. Since this affidavit is being submitted for the limited purpose of forfeiting property, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that the subject of this investigation, Ken Ejimofor Ezeah, has engaged in criminal violations of 18 U.S.C. § 1343 (wire fraud) , 18 U.S.C. § 371 (Conspiracy), 18 U.S.C. § 1956 Money Laundering and 18 U.S.C. § 1957 (Monetary Transactions).

5. This affidavit is based on my own personal knowledge, as well as information provided by records, databases and other law enforcement officers. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

### **Fraud Scheme**

6. On June 15, 2015, PB, a resident of Oklahoma City, Oklahoma, told FBI Special Agent Timothy J. Schmitz that she was a victim of a romance scheme, perpetrated by Edward Peter Duffey (Duffey).

7. In March 2015, PB met Duffey on the website ChristianMingle.com. PB and Duffey immediately hit it off and began communicating by telephone and text message. Duffey primarily contacted PB, using telephone number (813) 629-1832. After approximately two to three weeks of communicating, Duffey told PB he was in love with her. Duffey had flowers delivered to PB on a few occasions and asked if his daughter, Heather, who supposedly lived in England could contact PB. PB subsequently received approximately three calls from a person purporting to be Heather.

8. After several telephone calls and text messages, Duffey began asking PB about her financial investments. PB advised Duffey she had approximately \$1,300,000 invested with Asset Management. Duffey told PB he was friends with



Mary Jo White (White), the head of the Securities and Exchange Commission (SEC), and White told Duffey the SEC was investigating Asset Management. Duffey encouraged PB to take her money out of Asset Management and let Duffey invest it. Duffey further advised PB he would have White call her. PB subsequently received a telephone call from a woman purporting to be White. White advised PB the SEC was investigating Asset Management and encouraged PB to withdraw her funds, because White could not hold off the investigation much longer.

9. PB withdrew \$1,000,000 from her Asset Management account and invested it with Duffey. At Duffey's instructions, PB made two \$500,000 wire transfers to a Barclays Bank account in London, England. After these wire transfers were made, Duffey ceased communicating with PB.

10. On September 3, 2015, Jamee Walters, Human Resources Generalist, Teleflora, provided SA Schmitz with Teleflora records, for orders made by Duffey, through Teleflora. Those records show that on March 27, 2015, April 6, 2015, April 27, 2015 and May 9, 2015, Duffey had flowers delivered to PB in Oklahoma City, Oklahoma 73131. Duffey used debit card numbers XXXX-XXXX-XXXX-0131, XXXX- XXXX-XXXX-9984, XXXX-XXXX-XXXX-7446 and XXXX-XXXX-XXXX-0517 to place the orders.

11. On October 13, 2015 Louise Zornes was interviewed by the Tampa Division of the FBI. During the interview Zornes advised she was victim of Duffey and that Duffey, through a series of calls convinced her to invest \$60,000 in a bond fund. Duffey instructed Zornes to wire \$60,000 from her Bank of America account to April Cummings' account at Suncoast Credit Union.

12. On October 19, 2015, Cummings was interviewed by the Tampa Division of the FBI. Cummings advised that she did receive a \$60,000 wire from Zornes. Cummings was instructed by an individual know to her as Cole to wire \$50,000 of the money to Anthony Benson (Benson) at BB&T Trust Company, 2307 Mid Lane, Houston, Texas 77027, routing number 111017694 and account number 1440001786842.

13. On October 27, 2015, Chris Stine (Stine), Senior Corporate Investigator, BB&T Bank, Louisville, Kentucky was contacted by the Tampa Division of the FBI and advised of the fraud involving Benson's account. Stine advised an alert was placed on Benson's account and \$21,518.46 remained in the account. The account is in the name of Anthony Benson. He provided a work and cellular telephone number as (979) 635-1329, and an e-mail of stoneben147@yahoo.com. Benson's two forms of identification to open the account

were Swiss passport number X4905828, issued October 22, 2013, and a UBS Mastercard with the last four digits being 8440, expiring on June 30, 2018.

14. Following the interview of Stine, the Tampa Division obtained the following information for Benson from the Bureau of Consular Affairs:

Last Name: BENSON

First Name: ANTHONY

Middle Name: IZUCHKWU

Date of Birth: XX/XX/82

Race: Black

Sex: Male

Passport Number: AOOI 75761

Nationality: Nigeria

Place of Birth: Nigeria

Address: Grosswiesenstr

66 City: Zurich

Country: Switzerland

Telephone: 0765075418;0786112740

15. Using the information obtained from the Bureau of Consular Affairs,

the Tampa Division of the FBI obtained Benson's most recent arrival records (I-94) to the United States. The records indicate Benson's most recent arrival was to Houston, Texas from Zurich Switzerland on September 4, 2015. Benson indicated on the arrival records that his intended address was 3347 Chartreuse Way, Houston, Texas 77082-6857.

16. On January 7, 2016, SA Schmitz conducted a search of the CP Clear commercial database and identified the resident of 3347 Chartreuse Way as Ken E. Ezeah, social security number XXX-XX-4489.

17. On or about November 18, 2015, Verizon Wireless, pursuant to a court order issued by the Western District of Oklahoma, provided SA Schmitz with cell tower data for telephone number (813) 629-1832, device identification number A0000044AF3709, the number used by Duffy to communicate with PB and LZ. The Oklahoma City Division of the FBI conducted cell tower analysis for the telephone number. From on or about March 23, 2015 to May 25, 2015, telephone number (813) 629-1832 was used in close proximity to Ejiofor's address of 2255 Eldridge Parkway, Apartment 1714, Houston, Texas 77077 and Ezeah's address of 3347 Chartreuse Way, Houston, Texas 77082-6857.

18. On January 26, 2016, a United States Magistrate Judge in the Southern

District of Texas authorized search warrants for 2255 Eldridge Parkway, Apartment 1714, Houston, Texas, and 3347 Chartreuse Way, Houston, Texas. The warrants were executed on January 27, 2016.

19. At the search of 2255 Eldridge Parkway, Apartment 1714, Houston, FBI agents encountered Akunna Baiyina Ejiofor, who was interviewed at that time. Ejiofor was not in custody at the time of the interview and was told she was free to leave. Ejiofor provided the following information: She met Ken Ezeah on Facebook in approximately 2008 and began a romantic relationship on Facebook. Ezeah was residing in Switzerland at the time. Ezeah sent Ejiofor an plane ticket and Ejiofor flew to Switzerland to meet Ezeah in person. While in Switzerland, Ezeah asked Ejiofor to open a bank account but Ejiofor refused. In 2009 or 2010, Ezeah moved to Houston, Texas.

20. Ezeah asked Ejiofor to be his personal assistant which Ejiofor agreed to do, although she did not know what Ezeah did for a living. After becoming Ezeah's personal assistant, Ejiofor learned that Ezeah made money by scamming people. Ezeah began providing Ejiofor pre-paid debit cards which Ezeah asked Ejiofor to use to set up fictitious accounts on dating websites, such as ChristianMingle.com, Farmersonly.com and Match.com. Ejiofor set up the



accounts on the dating websites and then provided information about the accounts to Ezeah. Ejiofor knew the accounts on the dating websites were being used by Ezeah and his associates to scam people out of money. Ezeah asked Ejiofor to set up bank accounts, which she declined to do because she knew the bank accounts were being used to scam money from victims. Ezeah, and an associate of Ezeah known as Franklin, paid Ejiofor for setting up the accounts on the dating websites. Ejiofor received approximately \$1,200.00 per month for her part in the fraud activity which was wire transferred by Ezeah into Ejiofor's Wells Fargo account. Ejiofor stated she was asked by Ezeah and Franklin, to speak with victims of the fraudulent activity when they needed a female voice. Occasionally Ejiofor would speak with victims of the fraud schemes from 3347 Chartreuse Way and pretend to be a friend or family member of whatever persona was being used by Franklin or Ezeah. Ejiofor knew Franklin to be the roommate of Anthony Benson. Ejiofor said when she spoke with victims of the fraud she would make small talk as directed by Ezeah or Franklin. Ejiofor knew Franklin used the persona Edward Peter Duffey when dealing with victims of the fraud. Ejiofor was not sure whether Ezeah also used the Duffy persona. Ejiofor last spoke with a victim of the fraud on January 26, 2016.

21. Ejiofor stated she heard Ezeah, Franklin and Benson talk about

scamming people and they called the scams “work.” Ejiofor would occasionally speak with the victims of the fraud schemes from 3347 Chartreuse Way and pretend to be a friend or family member of whatever persona was being used by Franklin or Ezeah, as stated in paragraph 20. Cell tower analysis showed telephone number (813) 629-1832, device identification number A0000044AF3709, a number used to perpetrate the fraud, was used in close proximity to Ezeah's address of 3347 Chartreuse Way, Houston, Texas.

22. During the search of 3347 Chartreuse Way, the FBI identified and interviewed Atia Katara Willis (Willis) who had spent the previous night at the residence and dated Ezeah for approximately the past year. Willis did not know what Ezeah did for a living; however, Ezeah told her he “worked” out of his home. Ejiofor stated Ezeah called his fraud activity “work” and the investigation has not revealed any legitimate work engaged in by Ezeah.

23. During the search of 3347 Chartreuse Way, records were found for BOA Account number XXXXXXXXX8870 in the name of Fabross Property Ventures, Inc. The records are evidence Ezeah managed the BOA account from 3347 Chartreuse Way and used the account and the residence to facilitate money laundering activity.

24. During the search of 3347 Chartreuse Way records were found for

other BOA accounts associated with Fabross Property Ventures and/or Ezeah. Records were found for BOA Account number XXXXXXXXX2600 in the name of Fabross Property Ventures which utilized the address 3347 Chartreuse Way. Bank statements for BOA Account Number XXXXXXXXX2600 in the name of Fabross Property Ventures showed balances of more than \$80,000.00 and showed many transfers between this account and BOA Account number XXXXXXXXX8870 in the name of Fabross Property Ventures, Inc. The records found during the search included account statements for BOA Account numbers XXXXXXXXX2707 and XXXXXXXXX2697 which were in the name of Fabross Property Ventures, Inc. and used 3347 Chartreuse Way as the address of record for the accounts.

25. The investigation has shown Ezeah's only known source of income has been from his fraudulent activities. According to Ezeah's co-conspirator, Akunna Baiyina Ejiofor, Ezeah has been involved in fraudulent activity and money laundering since at least 2008. Ezeah returned to the United States in 2009 or 2010 and engaged Ejiofor in the fraudulent activity for which they were arrested, as described below.



26. On January 27, 2016, Ezeah was arrested for violation of 18 U.S.C. § 1343 (wire fraud) and 18 U.S.C. § 371 (Conspiracy), pursuant to a complaint authorized by a United States Magistrate Judge in the Western District of Oklahoma.

27. On February 1, 2017 Ezeah plead guilty to his role in the scheme.

28. On October 6, 2017, Ezeah was sentenced to 11 years for the violation of 18 U.S.C. § 1343 (wire fraud) and 18 U.S.C. § 371 (Conspiracy).

### **Conclusion**

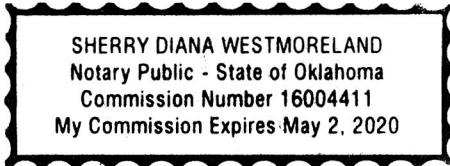
Based on the above information, I respectfully submit there is probable cause to believe Ezeah has engaged in a continuing pattern of fraud and money laundering activity since at least 2010, a violation of 18 U.S.C. § 1343 (wire fraud) and 18 U.S.C. § 371 (Conspiracy). Furthermore, based on the foregoing there is probable cause to believe that the amount of \$5,726.00 found at Ezeah's residence is proceeds from his pattern of fraud and money laundering activity.

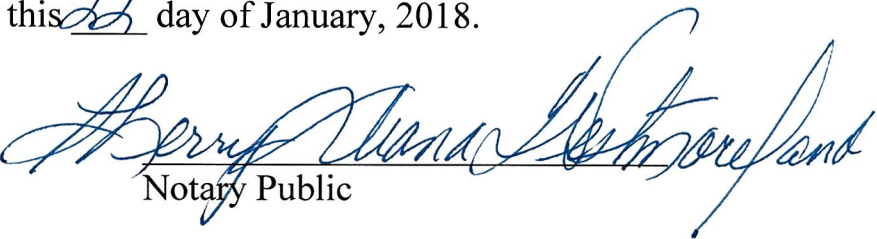


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Timothy J. Schmitz  
Special Agent  
Federal Bureau of Investigation

Subscribed to and sworn before me this 22 day of January, 2018.



  
Notary Public

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Wilson McGarry, AUSA  
U.S. Attorney's Office, 405-553-8700  
210 Park Ave., Ste. 400, Oklahoma City, OK 73102

**DEFENDANTS**

\$5,726.00 in United States Currency

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 18, United States Code, Section 981(a)(1)(A) and (C)

Brief description of cause:

Traceable to proceeds in violation of Title 18, United States Code, Sections 371, 1343, 1956 and 1957.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE DeGiusti

DOCKET NUMBER CR-16-29-D

DATE

01/23/2018

SIGNATURE OF ATTORNEY OF RECORD

s/Wilson McGarry, Assistant U.S. Attorney

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

Print

Save As...

Reset

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.